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February 14, 2019

BY ECF FILING

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *De La Rosa v. 597 Broadway Development Corp.*,
No. 13 Civ. 7999 (LAK) (GWG)

Dear Judge Gorenstein:

We represent the defendant landlord, 597 Broadway Development Corp. (the “Landlord”), in the above-referenced action, which asserts claims under the Americans with Disabilities Act and analogous New York State and New York City law. I write respectfully with the Landlord’s periodic status report as of today’s date.

The situation at the premises has not changed since our last report. The store is vacant and closed to the public. The wheelchair lift has been installed. However, the scaffolding erected at an adjacent property (599 Broadway) continues to physically block operation of the lift, and thus the lift cannot be tested by the installers. The Landlord was informed that the scaffolding is needed in order to perform mandatory façade work, and has no control over the timing of the façade work or the installation or use of the scaffolding. We understand the scaffolding is scheduled to be removed in May 2020. In the meantime, we are continuing to explore whether the scaffolding can be moved so as to allow the lift to be tested.

The Landlord proposes to submit its next status report on May 1, 2020. If the premises should open to the public before then, we propose to submit our next report within 7 days of that opening.

Thank you for your consideration of this matter.

Respectfully,



Elizabeth Wolstein

Hon. Gabriel W. Gorenstein
February 14, 2020
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cc: Glen Parker, Esq. (by ECF filing)
Adam Hanski, Esq. (by ECF filing)